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EXAMINER				
LERNER, MARTIN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,050

Applicant(s)

DAVIS ET AL.

Examiner

MARTIN LERNER

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 2, 4 to 6, and 20 to 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 2, 4 to 6, and 20 to 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 3/16/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 to 2, 4 to 6, and 20 to 24 are rejected under 35 U.S.C. 102(e) as being anticipated by *Moore et al.* ('041).

Concerning independent claim 1, *Moore et al.* ('041) discloses a method for responding to messages, comprising:

“receiving at a speech processing device a speech input received by said teleconferencing system from a telephone connected to the teleconferencing system” – speech information from a caller using telephone 62 is carried through PSTN 60, and is directed to speech-to-text module 74 of intelligent media translator 70 (“a speech processing device”) through service provider system 30 (“said teleconferencing system”) via line 80 (Page 10, ¶[0118]; Figure 1); service provider system 30 may include, without limitation, conference call establishment (Page 7: ¶[0087]); thus, service provider system 30 is equivalent to “said teleconferencing system”; instant

messaging (IM) service 22 ("the instant messaging system") communicates instant messages through chat client 14 so that text instant messages can be exchanged in real time with one or more parties (Page 7, ¶[0077]- ¶[0082]; Figure 1);

"transcribing the speech into a first text message by the speech processing device" – the packetized data stream is directed to speech-to-text module 74 of intelligent media translator 70 ("the speech processing device") to convert the received speech signals into a textual representation (Page 10: ¶[0105]; Figure 1);

"transmitting the first text message to a plurality of instant messaging devices participating in an instant messaging based conference managed by the instant messaging system" – the textual information may then be sent to a text chat interface of chat client 14, perhaps in the form of a typical chat message, via network 20 and perhaps involving IM service 22; an optional instant messaging sender 79a is depicted along connection 76 representing adaptation of the speech-to-text module 74 to carry on instant communications with chat client 14 (Page 10: ¶[0105]; Figure 1); a chat client 14 supports communications with one or more principals, and instant messaging through which text messages can be exchanged in real time with one or more other parties ("to a plurality of instant messaging devices participating in an instant messaging based conference") (Page 6: ¶[0075], Page 7: ¶[0082]);

"receiving at the speech processing device a second text message from any one among the plurality of instant messaging devices participating in the instant messaging based conference" – intelligent media translator (IMT) 70 may comprise a port for receiving textual information from a messaging client (Page 10: ¶[0104]; Figure 1); chat

client 14 may be implemented by or based upon well known instant messaging (Page 6, ¶[0075]: Figure 1);

“converting the second text message to a speech output” – intelligent media translator 70 comprises a text-to-speech conversion process for converting the received textual information into corresponding speech signals via a text-to-speech module 72 (Page 10: ¶[0103] - ¶[0104]: Figure 1);

“transmitting the speech output to a plurality of telephones participating in a teleconference managed by the teleconferencing system” – speech signals are sent through a communications medium, such as a telephone connection or RTP session, to a chat client 14 or telephone 62 (Page 10: ¶[0103] - ¶[0104]: Figure 1); telephone 62 is connected through service provider 30; service provider system 30 may include, without limitation, conference call establishment (Page 7: ¶[0087]); thus, service provider system 30 is equivalent to “said teleconferencing system”, which transmits teleconferencing calls through PSTN 60 to telephone 62, or to IP telephone 92 through VoIP gateway 54.

Concerning independent claim 20, *Moore et al.* ('041) discloses a speech processing device, comprising:

“convert a speech input into a text message and/or a text message into as speech output” – intelligent media translator (IMT) 70 receives speech signals, and a speech-to-text conversion process converts the received speech signals into corresponding textual information to provide the textual information ultimately to a

messaging client, receives textual information, and a text-to-speech conversion process converts the received textual information into corresponding speech signals (Page 10: ¶[0104]: Figure 1);

“receive a speech input received by said teleconferencing system from a telephone connected to the teleconferencing system” – speech information from a caller using telephone 62 is carried through PSTN 60, and is directed to speech-to-text module 74 of intelligent media translator 70 through service provider system 30 (“said teleconferencing system”) via line 80 (Page 10, ¶[0118]: Figure 1); service provider system 30 may include, without limitation, conference call establishment (Page 7: ¶[0087]); thus, service provider system 30 is equivalent to “said teleconferencing system”; instant messaging (IM) service 22 communicates instant messages through chat client 14 so that text instant messages can be exchanged in real time with one or more parties (Page 7, ¶[0077]- ¶[0082]: Figure 1);

“transcribe the speech input into a first text message” – the packetized data stream is directed to speech-to-text module 74 of intelligent media translator 70 to convert the received speech signals into a textual representation (Page 10: ¶[0105]: Figure 1);

“transmit the first text message to a plurality of instant messaging devices participating in an instant messaging based conference managed by the instant messaging system” – the textual information may then be sent to a text chat interface of chat client 14, perhaps in the form of a typical chat message, via network 20 and perhaps involving IM service 22; an optional instant messaging sender 79a is depicted

along connection 76 representing adaptation of the speech-to-text module 74 to carry on instant communications with chat client 14 (Page 10: ¶[0105]: Figure 1); a chat client 14 supports communications with one or more principals, and instant messaging through which text messages can be exchanged in real time with one or more other parties ("to a plurality of instant messaging devices participating in an instant messaging based conference") (Page 6: ¶[0075], Page 7: ¶[0082]);

"receive a second text message from any one among the plurality of instant messaging devices participating in the instant messaging based conference" – intelligent media translator (IMT) 70 may comprise a port for receiving textual information from a messaging client (Page 10: ¶[0104]: Figure 1); chat client 14 may be implemented by or based upon well known instant messaging (Page 6, ¶[0075]: Figure 1);

"convert the second text message to a speech output" – intelligent media translator 70 comprises a text-to-speech conversion process for converting the received textual information into corresponding speech signals via a text-to-speech module 72 (Page 10: ¶[0103] - ¶[0104]: Figure 1);

"transmit the speech output to a plurality of telephones participating in a teleconference managed by the teleconferencing system" – speech signals are sent through a communications medium, such as a telephone connection or RTP session, to a chat client 14 or telephone 62 (Page 10: ¶[0103] - ¶[0104]: Figure 1); telephone 62 is connected through service provider 30; service provider system 30 may include, without limitation, conference call establishment (Page 7: ¶[0087]); thus, service provider

system 30 is equivalent to "said teleconferencing system", which transmits teleconferencing calls through PSTN 60 to telephone 62, or to IP telephone 92 through VoIP gateway 54.

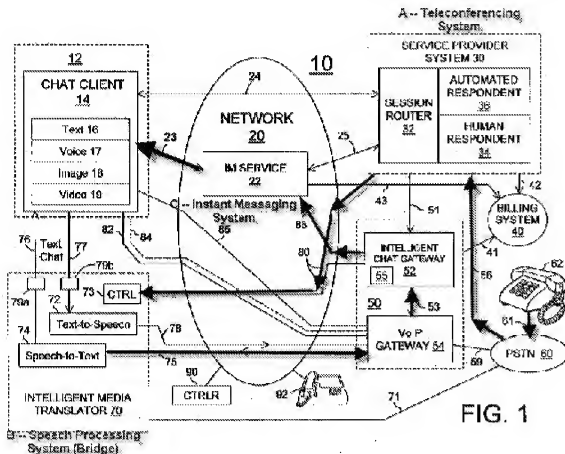
Concerning independent claims 1 and 20, *Moore et al.* ('041) further discloses:

"wherein the speech processing device serves as a bridge between said teleconferencing system and said messaging system, the speech processing device being directly coupled between the teleconferencing system and the instant messaging system and/or coupled between the teleconferencing system and the instant messaging system via a data network, the speech processing device being configured to convert a speech input into a text message or a text message into a speech output" – intelligent media translator (IMT) 70 ("the speech processing device") is coupled between service provider system 30 ("said teleconferencing system") and IM service 22 ("said messaging system") via network 20 (Figure 1); intelligent media translator (IMT) 70 ("the speech processing device") receives speech signals, and a speech-to-text conversion process converts the received speech signals into corresponding textual information to provide the textual information ultimately to a messaging client, receives textual information, and a text-to-speech conversion process converts the received textual information into corresponding speech signals ("being configured to convert a speech input into a text message or a text message into a speech output") (Page 10: ¶[0104]: Figure 1); topologically, intelligent media translator (IMT) 70 "serves as a bridge between" service provider system 30 and IM service 22 because by following the

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various arrows lines 75, 78, 80, and 86, it should be apparent that signals flow from a telephone 62 through service provider system 30 to intelligent media translator 70, and to IM service 22 through gateway system 50, which is basically "a data network". See

Figure 1:



Concerning claims 2 and 21, *Moore et al.* ('041) discloses a profile is maintained for a given user as a preference as to how synthesized speech presented to him is rendered ("personalized voice output at the telephones"); aspects of speech rendering include whether a male or female voice is preferred, approximate speaker age, vocal characteristics, inflection, and local dialect ("a simulated voice print of the user") (¶[0113] : Figure 1).

Concerning claims 4 to 5 and 22 to 23, *Moore et al.* ('041) discloses that in the course of converting speech and other audible signals into corresponding symbols or text, IMT 70 may also perform translation among different spoken and written languages, for example, converting English text to Spanish speech and vice-versa; language preferences or compatibilities of one or both of the parties may be known or maintained in a profile database or expressed by devices ("is specified by a profile associated with said identified user"); implicitly, a user is identified in order to be associated with a profile ("identifying a user associated with said telephone"). (Page 11: ¶[0112])

Concerning claims 6 and 24, *Moore et al.* ('041) discloses that, after the packetized data stream is converted into a textual representation by speech-to-text module 74, the textual information is then sent via network 20 ("transmitting a text stream"). (Page 10: ¶[0105]: Figure 1)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 to 2, 4 to 6, and 20 to 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Moore et al.* ('041).

Concerning independent claims 1 and 20, alternatively, the only element not expressly disclosed by *Moore et al.* ('041) is "wherein the speech processing device serves as a bridge between said teleconferencing system and said messaging system, the speech processing device being directly coupled between the teleconferencing system and the instant messaging system and/or coupled between the teleconferencing system and the instant messaging system via a data network". *Moore et al.* ('041) discloses all of a speech processing device being configured to convert a speech input into a text message or a text message into speech, a teleconferencing system, and an instant messaging system, but may connect, or couple, them in a somewhat different way. However, it is maintained that, in an absence of unexpected advantages, it is immaterial, and a question only of 'design choice', as to how all of the systems and subsystems are coupled together, and what is connected to what, as it is well known that functionalities may be distributed in an arbitrary manner within communication networks. A mere rearrangement of parts is evidence of obviousness under legal precedent. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) See MPEP

§2144.04 VI. C. It would have been obvious to one having ordinary skill in the art to rearrange the elements of the messaging response system of *Moore et al.* ('041) so that intelligent media translator 70 "serves as a bridge between", and "is coupled between" service provider system 30 and IM server 22 "via a data network" as a matter of "design choice" under principles of legal precedent as a mere "rearrangement of parts" because there would be no unexpected results obtained by a reconfiguration of elements on the network.

Concerning claims 2 and 21, *Moore et al.* ('041) discloses a profile is maintained for a given user as a preference as to how synthesized speech presented to him is rendered ("personalized voice output at the telephones"); aspects of speech rendering include whether a male or female voice is preferred, approximate speaker age, vocal characteristics, inflection, and local dialect ("a simulated voice print of the user") (¶[0113] : Figure 1).

Concerning claims 4 to 5 and 22 to 23, *Moore et al.* ('041) discloses that in the course of converting speech and other audible signals into corresponding symbols or text, IMT 70 may also perform translation among different spoken and written languages, for example, converting English text to Spanish speech and vice-versa; language preferences or compatibilities of one or both of the parties may be known or maintained in a profile database or expressed by devices ("is specified by a profile associated with said identified user"); implicitly, a user is identified in order to be

associated with a profile ("identifying a user associated with said telephone"). (Page 11: ¶[0112])

Concerning claims 6 and 24, *Moore et al. ('041)* discloses that, after the packetized data stream is converted into a textual representation by speech-to-text module 74, the textual information is then sent via network 20 ("transmitting a text stream"). (Page 10: ¶[0105]; Figure 1)

Response to Arguments

5. Applicants' arguments filed 29 April 2009 have been fully considered but they are not persuasive.

Applicants argue that *Moore et al. ('041)* says nothing about transmitting a text message to a plurality of instant messaging devices. Rather, Applicants contend that any text message that is transcribed from speech input is sent to only a single instant messaging device by *Moore et al. ('041)*. Applicants do note that *Moore et al. ('041)* discloses that chat client 14 allows a "principal" to communicate with one or more other "principals". (¶[0074] - ¶[0075]) However, Applicants say that *Moore et al. ('041)* discloses that text transcribed from speech flows in only one direction in Figure 1: from gateway client 50 to chat client 14 via connection 75, speech-to-text converter 74 and connection 76. Thus, Applicants conclude that *Moore et al. ('041)* says nothing about transmitting a text message which is transcribed from speech input to "a plurality of instant messaging devices", as claimed. This is not persuasive.

Firstly, *Moore et al. ('041)* repeatedly discloses that there is more than one chat client 14, although only one chat client 14 is illustrated in Figure 1. *Moore et al. ('041)* says that the service provider may simultaneously communicate with many different parties and is used by many parties simultaneously. (§[0026]) *Moore et al. ('041)* is directed to a method of managing messaging communications among a plurality of parties and a messaging response system comprising a plurality of messaging stations. (§[0030]) A user of chat client 14 may desire to join a chat room (a loosely topical forum in which a large number of users participate). (§[0083]) *Moore et al. ('041)* expressly states that, although all of the principals who may use chat client 14, IP telephone 92, or conventional telephone 62 "are not separately depicted in FIG. 1", any principal may communicate with one or more other principals accessible through the network. (§[0075]) Thus, *Moore et al. ('041)* is consistent with the ordinary understanding of what constitutes a system for instant messaging chat, where a plurality of chat clients may simultaneously participate, and is not limited to "a single instant messaging device", as argued by Applicants.

Secondly, *Moore et al. ('041)* discloses that transcribing speech input into text, and text input into speech flows in both directions through the network. The direction from a chat client 14 to a conventional telephone 62 is as follows: A chat client 14 sends a text message to IM service 22 over line 23 on network 20, and IM service 22 forwards the text message to gateway system 50 – which is basically just an element of network 20 – over line 86. Then, gateway system 50 sends the text message over line 80 to control 73, and to text-to-speech converter 72 of intelligent media translator 70,

whereupon the text message is converted into speech. The speech is then transmitted from control 73 of intelligent media translator 70 over line 80 to service provider system 30, and then over line 56 to PSTN 60, and onto telephone 62 via line 61. The direction from conventional telephone 62 to chat client 14 is as follows: A caller speaks on a conventional telephone 62, and the speech signal is transmitted over line 61 to PSTN 60, and via line 56 to service provider system 30. Then, the speech signal is transmitted over line 80 to control 73 of intelligent media translator 70, and to speech-to-text converter 74. The text from speech-to-text converter 74 is sent via line 75 to gateway system 50 – which is basically just an element of network 20 – and, via line 86 to IM service 22. Finally, the text is sent from IM service 22 through line 23 to chat client 14.

New grounds of rejection are set forth for claims 1 to 2, 4 to 6, and 20 to 24 as being anticipated under 35 U.S.C. §102(e) by *Moore et al.* ('041). Alternatively, a rejection of claims 1 to 2, 4 to 6, and 20 to 24 as being obvious under 35 U.S.C. §103(a) over *Moore et al.* ('041) is set forth based upon principles of "design choice" and legal precedent as a mere "rearrangement of parts".

Therefore, a rejection of claims 1 to 2, 4 to 6, and 20 to 24 under 35 U.S.C. §102(e) as being anticipated by *Moore et al.* ('041), and/or a rejection of claims 1 to 2, 4 to 6, and 20 to 24 under 35 U.S.C. §103(a) as being obvious over *Moore et al.* ('041), are proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin Lerner/
Primary Examiner
Art Unit 2626
June 12, 2009